

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COLLEEN SACCO et al.,

Plaintiffs,

Case No. 23-11561

v.

HON. MARK A. GOLDSMITH

LOWE'S HOME CENTERS, LLC et al.,

Defendants.

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ORDER REGARDING JURISDICTION

This matter is presently before the Court on Defendants' notice of removal (Dkt. 1). The notice of removal states that the Court has subject-matter jurisdiction based on diversity of citizenship. See Notice of Removal ¶¶ 1–5. Under the diversity jurisdiction statute, 28 U.S.C. § 1332, federal district courts have jurisdiction over matters in which there is “complete diversity such that no plaintiff is a citizen of the same state as any defendant.” V & M Star, LP v. Centimark Corp., 596 F.3d 354, 355 (6th Cir. 2010). In a diversity case, the parties asserting jurisdiction—in this case, Defendants—bear the burden of establishing it. See Hertz Corp. v. Friend, 559 U.S. 77, 96 (2010).

To properly allege an individual's citizenship, a party must make allegations regarding the state in which that individual is domiciled—i.e., where the individual both (i) resides and (ii) intends to remain. Farmer v. Fisher, 386 F. App'x 554, 557 (6th Cir. 2010). Defendants make allegations regarding where the individual Plaintiffs reside, but not where they intend to remain. See Notice of Removal ¶ 4. Therefore, the Court cannot conclude that it has subject-matter jurisdiction over this action based on diversity of citizenship.

Defendants are ordered to file an amended notice of removal within 10 days of the date of

entry of this order setting forth proper jurisdictional allegations. If Defendants believe that the current allegations are sufficient, they must file a memorandum explaining their position within the same 10-day period. Failure to comply with this order will result in the remand of this case to state court for lack of subject-matter jurisdiction.

SO ORDERED.

Dated: July 10, 2023
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge